

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AMERICAN TELEPHONE	)	
NETWORK, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO.
OPERATE AS A RESELLER OF	)	92-199
TELECOMMUNICATIONS SERVICES WITHIN	)	
THE STATE OF KENTUCKY	)	

O R D E R

This matter arising upon petition of American Telephone Network, Inc. ("American Telephone Network") filed July 6, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer information contained in Exhibit 1.A to American Telephone Network's response to the Commission's Order of June 5, 1992 on the grounds that disclosure of the information is likely to cause American Telephone Network competitive injury, and it appearing to this Commission as follows:

As part of its response to the Commission's Order of June 5, 1992, American Telephone Network has included a list which identifies its customers. By this petition, American Telephone Network seeks to protect that list from public disclosure.

The information sought to be protected is not known outside of American Telephone Network and employees of American Telephone Network do not have access to the information except on a need-to-know basis.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted

by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Because the information sought to be protected identifies the customers of American Telephone Network, competitors of American Telephone Network could use the information to market those customers. Therefore, disclosure of the information is likely to cause American Telephone Network competitive injury and the information should be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that the customer information contained in Exhibit 1.A filed in response to the Commission's Order of June 5, 1992, which American Telephone Network has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky this 23rd day of July, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting